

REMARKS

Claims 1-10, 14-52, 58-60 and 65-68 are pending in this application. Claims 1-10 and 14-52 are withdrawn from consideration. Claims 11-13, 53-57 and 69-72 have been cancelled. Claims 58-60 and 65-68 have been rejected under 35 U.S.C. § 102(e). Claim 58 and claim 68 have been amended. Amendment to claim 58 corrects for formal matters. It is believed that no new matter has been added.

Rejection under 35 U.S.C. § 112

Claim 66 has been amended to correct for formal matters. No new matter has been entered.

Rejection under Section 102(e)

A reference must have disclosure publicly available as of its publication date in order to be anticipatory under 35 U.S.C. § 102(e). See MPEP 2136.03, pg. 2100-93. The invention has to be described in "the application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for the patent." In this case, the published Morris application, U.S. 2002/0182586, nowhere discloses SEQ ID NO: 2022, as of its publication date. The application merely discloses a Table 1 but does not provide SEQ ID NO: 2022. Furthermore, a search on the USPTO's publication site for issued and published sequences, at <http://seqdata.uspto.gov>, revealed that no such sequence was publicly available as of its publication date. Copies of the searches are herein attached, for reference.

Furthermore, a search of the Morris application on Public Pair revealed that a preliminary amendment, which includes a table listing SEQ ID NO: 2022, was received in the United States Patent Office, on July 14, 2003, well after the filing date of this application. A copy of the preliminary amendment is enclosed. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 102(e).

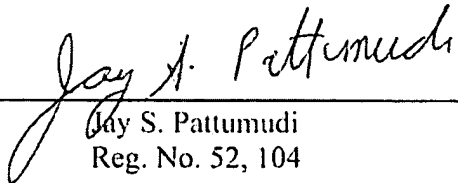
CONCLUSION

Applicant respectfully submits that the claims are now in condition for allowance and notification to that effect is earnestly requested. This response is filed within the shortened statutory period of three months from the date of the mailing of the non-final office action, which response is due **January 10, 2009**. Therefore, it is believed no fees are required. Should this be

incorrect, the Commissioner is authorized to charge any additional fees, or credit any overpayment, to deposit account No. 50-4255.

Respectfully submitted,

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